

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**State of Ohio, ex rel. Dave Yost  
Attorney General of Ohio,**

**Plaintiff,**

**Case No. 2:23-cv-1450**

**v.**

**Judge Michael H. Watson**

**Ascent Health Services LLC, et al.,**

**Magistrate Judge Vascura**

**Defendants.**

**OPINION AND ORDER**

Plaintiff moves to remand this action to state court. ECF No. 40. In the parties' briefing, they focus on whether removal is appropriate under the federal officer removal statute. However, from the allegations in the Complaint, it seems that removal may be proper under 28 U.S.C. § 1441 (which is also mentioned in the notice of removal, Notice ¶ 36, ECF No. 1) on the basis of diversity of citizenship.


However, the Complaint's allegations of citizenship are insufficient. For example, the Complaint alleges that defendant Prime Therapeutics LLC is "a corporation organized and existing under the laws of Delaware, with its principal place of business in Eagan, Minnesota." Compl. ¶ 43, ECF No. 12. However, a "limited liability company has the citizenship of each of its members." *Delay v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009) (citations omitted). Thus:

When diversity jurisdiction is invoked in a case in which a limited liability company is a party, the court needs to know the citizenship of each member of the company. And because a member of a limited liability company may itself have multiple members—and thus may itself have multiple citizenships—the federal court needs to know the citizenship of each ‘sub-member’ as well. Indeed, if even one of [the LLC’s] members—or one member of a member—were a citizen of [the same state as the plaintiff], then complete diversity, and with it federal jurisdiction, would be destroyed.

*Id.* (citations omitted).

Accordingly, the parties are **ORDERED** to file a joint notice **within fourteen days** outlining the parties’ citizenships. If any party is a limited liability company or partnership, the notice shall identify the members, and sub-members, and citizenship of those members and sub-members. If there is any reason why removal based on diversity of citizenship would be inappropriate, the parties shall *briefly* explain that reason. Any explanation of such a reason shall not exceed one-half page per party. If additional briefing is needed on any issue, the Court will order the same.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**